

SECOND REGULAR SESSION

# SENATE BILL NO. 1367

92ND GENERAL ASSEMBLY

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INTRODUCED BY SENATOR YECKEL.

Read 1st time March 1, 2004, and ordered printed.

TERRY L. SPIELER, Secretary.

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## AN ACT

To amend chapter 173, RSMo, by adding thereto four new sections relating to eligibility for in-state tuition at Missouri institutions of higher education.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 173, RSMo, is amended by adding thereto four new sections, to be known as sections 173.930, 173.933, 173.935, and 173.937, to read as follows:

**173.930. The general assembly finds and declares that the state can achieve its full economic and social potential only if every individual has the opportunity to contribute to the full extent of their capabilities and only when barriers to their economic, social, and educational goals are removed. It is, therefore, the policy of the general assembly and the purpose of sections 173.930 to 173.937 to establish a policy to allow eligible nonimmigrant aliens to receive resident tuition benefits at any state institution of higher education that receives any state funds whatsoever.**

**173.933. 1. Sections 173.930 to 173.937 shall be known and may be cited as the "Missouri In-state Tuition Act". Under this act, students who meet certain qualifications shall be eligible for in-state tuition rates for higher education, regardless of such student's immigration status.**

**2. As used in sections 173.930 to 173.937, the following terms mean:**

- (1) "Alien", means any person not a citizen or national of the United States;**
- (2) "State institution of higher education", any college, university, or community junior college supported in whole or in part out of state funds specifically appropriated for operations;**
- (3) "Tuition", any tuition or other fees charged by a state institution of higher education for attendance at that institution as a student.**

**173.935. 1. Notwithstanding any other provision of law to the contrary, any state institution of higher education that receives state funds shall deem an individual a Missouri resident, unless or until that individual establishes a**

residence outside of Missouri, if all of the following conditions are met:

- (1) The individual attended high school in this state for two or more years;
- (2) The individual graduated from a public or private high school or received the equivalent of a high school diploma in this state;
- (3) The individual registered as an entering student at an institution of higher education in this state not earlier than the 2004 fall semester; and
- (4) In the case of an individual who is not a citizen or a permanent resident of the United States, the individual provides the institution of higher education with an affidavit stating that the individual will file an application to become a permanent resident of the United States at the earliest opportunity the individual is eligible to do so.

2. A student exempt from nonresident tuition under this section may be reported by a community college district as a full-time equivalent student for apportionment purposes.

3. The public institutions of higher education in this state shall prescribe rules and regulations for the implementation of sections 173.930 to 173.937. Student information obtained in the implementation of such sections shall be kept confidential.

173.937. 1. A student who meets the requirements pursuant to the provisions of section 173.918 may transfer from one institution of higher education in this state or accredited vocational institution in this state to another without losing eligibility for Missouri state resident tuition rates.

2. If a recipient of this benefit at any time withdraws from an institution of higher education in this state or an accredited vocational institution in Missouri so that under the rules and regulations of that institution he or she is entitled to a refund of any tuition, fees, or other charges, the institution shall pay the portion of the refund attributable to the student at the established in-state resident rate for that term.